

NOT FOR CITATION
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIAN SUM,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

No. C 09-00523 JF (PR)

ORDER GRANTING EXTENSION
OF TIME TO FILE PETITION

On February 5, 2009, Petitioner filed a “notice of appeal” in which he states that he was convicted by a jury in January 2006 and that the sentence and conviction were “denied by court of appeal and review by supreme court was also denied.” (Docket No. 1.) On the same day, the Clerk of the Court sent Petitioner a notice that he had not attached a complaint or petition to his pleadings. (See Docket No. 2.) Petitioner was warned that if he failed to submit a complaint or petition within thirty days from the date of the notice, the action would be dismissed. (Id.) Petitioner paid a \$5.00 filing fee. (See Docket No. 5.)

Although the deadline has since passed, in the interest of justice the Court

1 will extend the time for Petitioner to file a complaint or petition to proceed with this
2 action. It appears from the statements in his notice and from the payment of a \$5.00
3 filing fee that Petitioner is seeking a petition for a writ of habeas corpus pursuant to
4 28 U.S.C. § 2254. Petitioner shall file the petition **no later than thirty (30) days**
5 from the date this order is filed. Failure to file the petition in the time provided will
6 result in the dismissal of the case without prejudice without further notice to
7 Petitioner.

8 The Clerk shall include two copies of the court's form petition with a copy of
9 this order to Petitioner.

10 IT IS SO ORDERED.

11 DATED: 6/18/09

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13 JEREMY FOGEL
14 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SUM,

Petitioner,

v.

PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

Case Number: CV09-00523 JF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/19/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Sum F-20945
CSP-SATF IV
Substance Abuse Treatment Facility
P.O. Box 5246; C-5; Cell-132
Corcoran, CA 93212

Dated: 6/19/09

Richard W. Wieking, Clerk